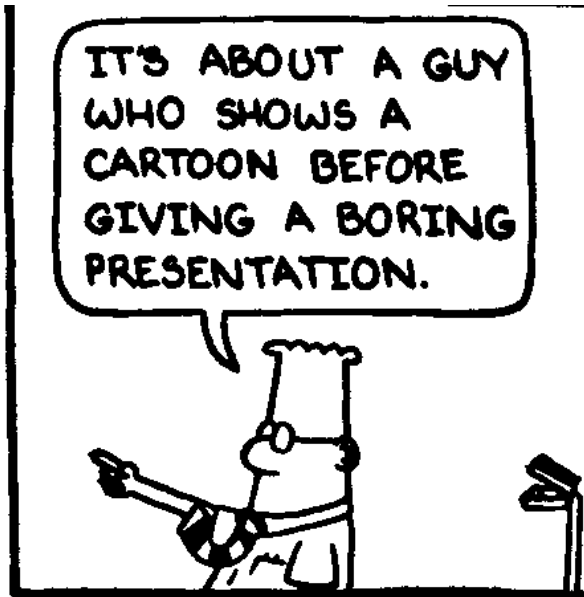
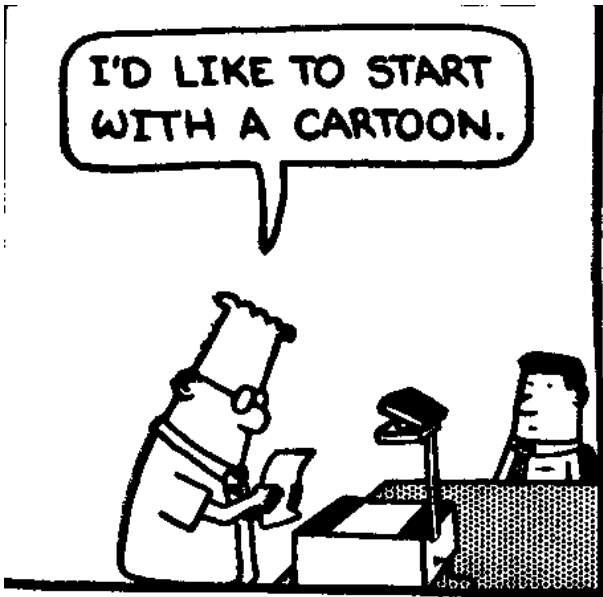






PERS-4832
ENLISTED SEPARATIONS
BRANCH

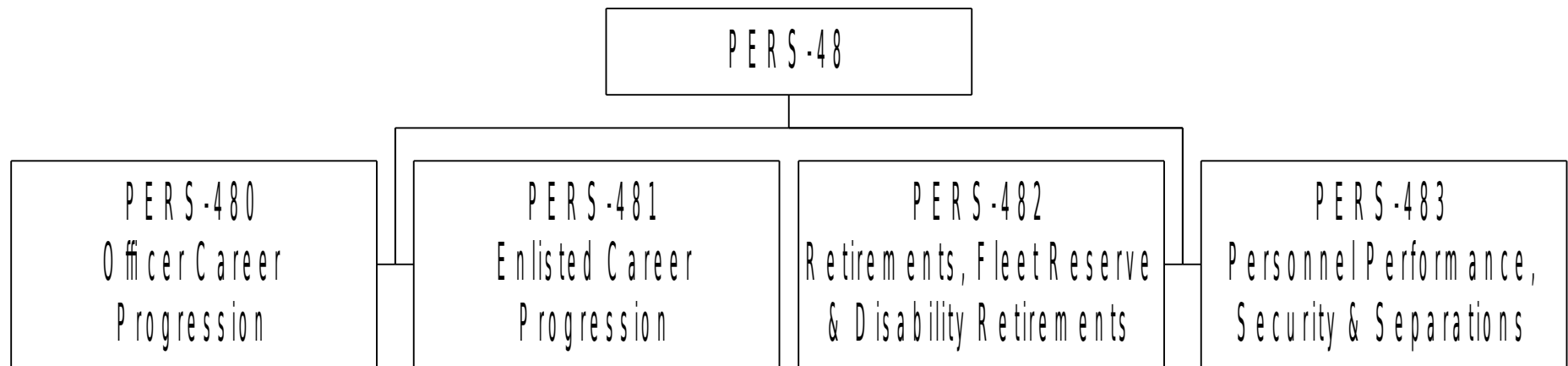


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PERS-48

Personnel Progression, Performance and Security Department

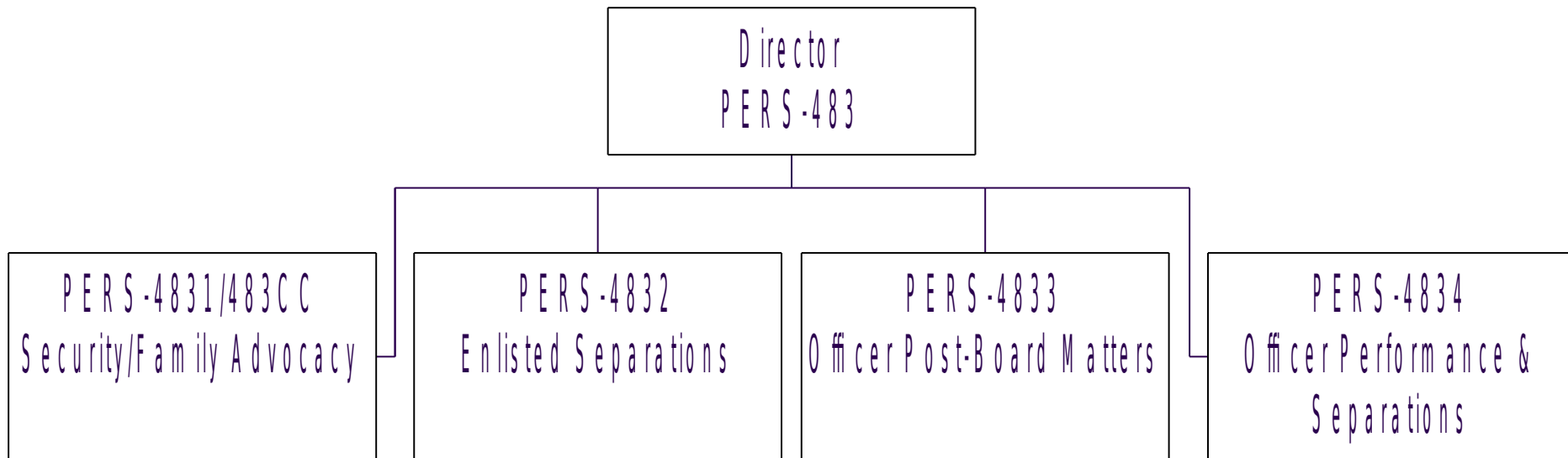




PERS-483

Personnel, Performance, Security and Separations

Division





What is Administrative Separation?

- **Voluntary: mutual agreement; not a right**
- **Involuntary: Military equivalent of being fired**
 - **Does not constitute punishment**
- **Purpose of Administrative Separation:**
 - **Maintain Standards**
 - **Encourage Honorable Service**
 - **Protect Rights of Individual**
 - **Balance accession/training costs vs. cost of retaining**



Types of Administrative Separations

■ NON-ADVERSE

- Involuntary Discharge for “Favorable” Reasons
 - » Personality Disorder, Parenthood, Physical or Mental Conditions
- Voluntary Discharge
 - » Pregnancy, Hardship, Alien

■ ADVERSE

- Involuntary Discharge for “Unfavorable” Reasons
 - » Misconduct, Drug Abuse, Alcohol Rehab Failure, In Lieu of Court-Martial (*Voluntary*), Fraudulent Enlistment, Homosexual Conduct



Two Basic Procedures

- **Notification Procedures (paperwork only; no hearing)**
 - **When Offense Warrants a General**
 - **Sailors Over 6 Years Always Have a Right to a Board**
 - **Sailors Less Than 6 Years Have a Right to GCMCA Review (flag officer)**

- **Admin Board Procedures (formal hearing)**
 - **Required for all Mandatory Reasons (except alcohol rehab failure)**
 - **When Offense Warrants an OTH**



Non-Adverse Reasons For Processing

- **Convenience of the Government (COG) - Pregnancy/Childbirth or Parenthood**
- **COG - Physical/Mental Conditions or Personality Disorder**
- **COG - Being an Alien**
- **Separation by Reason of Defective Enlistments and Inductions - Minority Status, Erroneous Enlistment, Defective Enlistment**
- **COG - Hardship (PERS-40HH)**



Adverse Reasons for Processing

■ Misconduct

- Serious Offense
- Civilian Conviction
- Pattern of Misconduct
- Minor Disciplinary Infractions
- Entry Level Performance and Conduct
- Unsatisfactory Performance

■ Fraudulent Enlistment

■ Drug Abuse

■ Homosexual Conduct



Adverse Reasons for Processing

- **Drug or Alcohol Abuse Rehab Failure**
- **FAP Rehab Failure**
- **Supremacist or Extremist Conduct**
- **BIOTS (not always adverse, may be voluntary/involuntary)**



Mandatory Processing

(MPM 1910-233)

- **Homosexual Conduct (statement, act, marriage)**
- **Serious Offense (aggravating factors 1, 2 or 3)**
- **Civilian Conviction (aggravating factors 1 or 2)**
- **Drug Abuse**
- **Participation in Extremist or Supremacist Activity**
- **FAP Rehab Failure (BIOTS)**
- **Alcohol Rehab Failure (notification procedures)**
- **When CNPC directs ADSEP processing**

Aggravating Circumstances

- (1) Violent misconduct which resulted in, or had the potential to result in death or serious bodily injury.
- (2) Deviant sexual behavior.
- (3) Sexual Harassment if:
 - Threats or Rewards to influence career OR
 - Unwanted physical contact



Physical Fitness Assessment

(OPNAVINST 6110.1F)



- **No longer ADSEP basis** (MPM 1910-170 has been canceled)
- **Consequences:**
 - **One/Two failures: no ADSEP consequence; results of all PFA failures during reporting period shall be documented in “comments on performance” on eval/fitrep**
 - **Three failures within four year period: no longer recommended for promotion or retention**
 - **Promotion/Advancement: CO free to recommend promotion, advancement, frocking, or redesignation; but not required**
- **Enlisted will continue to EAOS**



Counseling and Rehabilitation

Page 13's

(MPM 1910-204)

- **Tool to correct behavior**
 - **Formal documentation**
 - **Gets Sailor's attention**
 - **"Quasi-Contract" between Navy and Individual**
 - **If you take corrective action, we will let you stay**
 - **Binding on Navy during remainder of enlistment**
- **Gives "another chance"**
- **Do not use excessively**



Counseling and Rehabilitation

Page 13's

(MPM 1910-204)

■ Required if Processing For:

- COG - Parenthood**
- COG - Personality Disorder**
- COG - Physical or Mental Conditions**
- Entry Level Performance and Conduct**
- Unsatisfactory Performance**
- Misconduct - Pattern of Misconduct**
- Misconduct - Minor Disciplinary Infractions**



Fraudulent Enlistment

(MPM 1910-134)

- **Fraud vs. Erroneous**
- **Fraudulent (Sailor lied...intent by member to defraud...acted in bad faith)**
- **Usually detected by PERS-4831**
- **Waiver Request**
 - **CO forwards to GCMCA or PERS-4832 for decision**
 - **Command forwards completed package to PERS-4832 for inclusion in permanent record**



Minor Disciplinary Infractions

(MPM 1910-138)

- A Series of at Least Three, But Not More Than Eight Minor Violations of the UCMJ
- No Violations Could Result in a Punitive Discharge
- Offenses Documented in Service Record
- Occurred During Current Enlistment
- Disciplined by One NJP
- *And violated a Page 13*



Pattern of Misconduct

(MPM 1910-140)

- 2 punishments under UCMJ (NJP/court-martial) ...or
 - 2 or more civil convictions...or
 - 1 NJP and 1 civil conviction...or
 - 3 UA's (> 3 days; < 30 days)...or
 - Failure to support dependents (a pattern)...or
 - Failure to pay debts (a pattern)...
-
- *And violated a Page 13*



Commission of a Serious Offense

(MPM 1910-142)

- **What is a serious offense?**
 - Violation of punitive article of UCMJ
 - Civilian or Military offense
- **May be separated if:**
 - Offense warrants separation
 - Punitive discharge is maximum punishment per Appendix 12 MCM
- **Can go straight to adsep...no mast or Court Martial required**
- **Can use notification procedures if OTH not warranted**
- **Some cases require mandatory processing and an admin board must be offered**



Civilian Conviction

(MPM 1910-144)

- May be separated if:
 - Civilian Conviction or equivalent (deferred prosecution)
 - Misconduct is a serious offense or member receives six months or more confinement
- All civil convictions (federal, state, local) but **not** foreign court convictions
 - Conviction is binding: board only makes recommendation on retention/separation and characterization of discharge
 - Foreign court conviction allows processing but not discharge
- Can use notification procedures if OTH not warranted
- Some cases require mandatory processing and an admin board must be offered



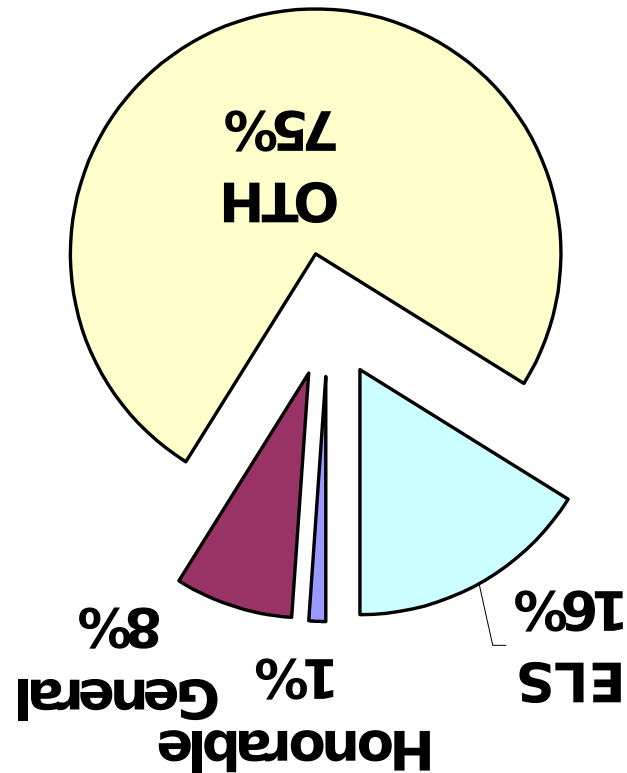
Drug Abuse

(MPM 1910-146)

- **Offenses include:**
 - use/possession/paraphernalia/trafficking**
- **Based on urinalysis, admission, eye witness, or other proof**
- **Mandatory Processing**
- **Civilian or Military Jurisdiction**
- **Normally Admin Board Procedures**
 - **OTH in most cases**
 - **Notification procedures for command directed urinalysis (one *not* based on probable cause or random in nature)**



FY02 Drug Separations “Zero Tolerance”





Typical Drug Detection Windows*



THC (Marijuana)

3 - 5 days

Cocaine

2 - 4 days

Amphetamines

2 days

Barbiturates

1 - 2 days

Opiates/LSD

1 - 2 days

PCP

5 - 7 days

Steroids

3 days or longer

*** will vary with amount and duration of use**



Homosexual Conduct

(MPM 1910-148)

- **“Prior to Any Questioning, Members Suspected of Homosexual Conduct Should Be Advised of the DOD Policy on Homosexual Conduct and Apprised of their UCMJ, Article 31b Rights, if applicable.”**
- **Mandatory Processing based on credible information**
 - **Opinion, rumor, association activity not enough**
- **Forward evidence used by board**
- **Characterization based on service record review unless aggravating factors present:**
 - **Use of force, minor subordinate in**



Homosexual Conduct

(MPM 1910-148)



- Wording on Notice of Administrative Board Procedure **Must Be Verbatim** (Statement, Act, Marriage)
- “Homosexual conduct as evidenced by:
 - (**Statement**) “Member’s statement that he or she is a homosexual or bisexual, or words to that effect, which creates a rebuttable presumption that he or she engages in, has a propensity to engage in, or intends to engage in homosexual acts (**and**....)”
 - (**Act**) “Member engaging in, attempting to engage in, or soliciting another to engage in a homosexual act or acts



Guidance on Investigations concerning homosexual conduct



- If homosexual conduct is alleged and CO sees as credible:
 - Must consult with GCMCA SJA before proceeding
 - If not available, seek advice from Navy trial service office or Navy Personnel Command
 - Document the consultation
- If homosexual statement is made and CO suspects it was made to avoid a service obligation:
 - Must receive permission to investigate from ASN (M&RA)
 - Send request via PERS-48
 - ASN definition: “a substantial inquiry . . . is an inquiry that extends beyond questioning the member who made the statement and/or a third party who reports that a member made a statement, individuals suggested by the member for interview, and the member’s immediate supervisory chain of command.”



Alcohol Rehab Failure

(MPM 1910-152)

MANDATORY PROCESSING

- Inability or refusal to participate in treatment
- Subsequent *incident*/failure of aftercare
 - discreditable involvement w/civil authorities
 - public/*domestic* disturbance
- PERS-4832 can grant waiver
- Characterization based on service record review



Entry Level Performance and Conduct

(MPM 1910-154)

- Within First 180 Days of Continuous Active Duty
- Unqualified for Further Naval Service
 - Incapability
 - Lack of Reasonable Effort
 - Failure to Adapt to the Naval Environment
 - Minor Disciplinary Infractions
- *And violated a Page 13*



Unsatisfactory Performance

(MPM 1910-156)



- **One or More Enlisted Evaluations with 1.0 Marks for Any Performance Trait**
- ***And violated a Page 13***



Unsat Participation in the Ready Reserve

(MILPERSMAN 1910-158)



- **May be separated if:**
 - **at least 9 unexcused absences from scheduled training in a 12 month period**
 - **fail to:**
 - » **complete required annual training**
 - » **comply with involuntary recall to active duty**
 - » **report for a physical examination**
 - » **keep CO advised of pertinent mobilization information**
 - » **respond to official documentation, or**
 - » **complete Basic Training Equivalency or Non-Prior Service Accession Course within required time frame**
- **Can use notification procedures if OTH not warranted**
- **PERS-913 POC: DSN 882-4503**



Supremacist or Extremist Conduct

(MPM 1910-160)

- Substantiated incident or misconduct resulting from participation in supremacist or extremist activities
- Processed Under Misconduct - Commission of Serious Offense or Best Interest of the Service (BIOTS)
 - usually will involve one or more UCMJ violations
- *Call PERS-4832 for Advice Before Proceeding*



FAP Rehabilitation Failure

(MPM 1910-162)

- **PERS-483CC (DSN 882-3729) is the Case Manager for all child sexual abuse cases. Handles all FAP Flags**
- **Report all suspected child sexual abuse cases to NCIS, local FAR, and PERS-483CC**
- **Keep NCIS/local investigators “working the case.” Keep PERS-483CC informed**
- **Child molesters not normally retained and are processed under commission of a serious offense (MPM 1910-142)**
- **Changing instruction to give CO’s more voice in processing and may treat intra/familial child sexual abuse differently**



Best Interest of the Service (BIOTS)

(MPM 1910-164)

- Normal reasons for adsep don't fit
 - 7 cases in FY02
 - Not a means to override due process
- SECNAV approves
- Not entitled to a board, notification procedure is used *with modifications*
- *Must call PERS-4832 for advice before proceeding*



Administrative Boards: Findings and Recommendations

■ Board Makes Three Decisions:

- Is basis for separation supported by evidence of record (“Did he/she do it?”)**
 - » Binding on the Navy***
- Retention/separation/suspended separation**
 - » Only a recommendation to separation authority**
- Characterization**
 - » Recommendation (Honorable, General, OTH)**
 - » Can be upgraded on review; but not downgraded**



Separation “Decision” Authority

(MPM 1910-704)

■ SPCMCA

- Notification Procedures Used**
- Admin Board recommends General or Honorable
- In Lieu of Trial by Court-Martial (UA > 30 days)

■ GCMCA

- Admin Board recommends OTH or retention
- In Lieu of Trial by Court-Martial

*** Member can request flag officer review*



Separation “Decision” Authority

(MPM 1910-704)

■ BUPERS/SECNAV

- Optional for “hard” or “sensitive” cases (NPC)
- Homosexual Conduct (NPC)
- Over 18 years of service (CNP)
- Misconduct due to Court-Martial Conviction; no punitive discharge; OTH characterization (SECNAV)
- BIOTS (SECNAV)
- Board finds *misconduct*, recommends separation, command wants to *retain* (CNP)
- Board finds basis, recommends retention, command wants to *separate* (SECNAV)



Characterization of Discharge

(MPM 1910-300)

- **Command Responsibility (NAVADMIN 140/96)**
- **Temptation to take the “Easy Way Out”...giving a General when offense warrants an OTH**
- **Based on Service Record Review**
 - generally based on *total* performance
 - however, can be based on single adverse incident
 - not just a “number crunch” of evaluation marks



Fleet Reserve Eligibility

(MPM 1910-166)

■ Active Duty

- Normally don't adsep over 20 years -- may request transfer to Fleet Reserve.
- If over 30 years -- may request transfer to the Retired List
- SECNAV has discretion to transfer *in reduced paygrade*
- Command endorsement mandatory
- Refusal: process for administrative separation
 - board makes recommendation on retirement pay grade

■ Inactive Duty (PERS-913)

- > 20 years TIS, < 60 years age -- may request



Detachment for Cause

(MPM 1616-010)

- **E-7 - E-9's, Enlisted cases no longer decided by BUPERS**
 - **First Flag officer in chain of command**

- **Very strong administrative measure**
 - **Single event or extended period; substandard behavior or performance**
 - **Not to be used in lieu of disciplinary action or adsep**
 - **Not a bar to retention or reenlistment**



Reenlistment Denial

(MPM 1616-030)

- Additional tool
- If member objects to CO's decision not to reenlist, member can go to PERS-4832 for review
 - Forward denial with members response
 - *Must provide adequate documentation*



Summary

- **Adsep is the logical conclusion of an incompatible situation**
- **Adseps can be adverse or non-adverse actions**
- **Some Adseps are voluntary**
- **Some Adseps are mandatory**
- **Many involve subjective reasoning, CO's judgment**
 - **Seriousness of offense and affect on command**
 - **Member's potential**
 - **Current environment**
- **Is not punishment; uses preponderance of evidence**



References



- **<http://bupers.navy.mil>**
- **NAVADMIN 108/96: Self-Referral for Drug Abuse Rehabilitation**
- **NAVADMIN 140/96: Enlisted Administrative Separations**
- **NAVADMIN 193/96: Family Advocacy Program**
- **NAVADMIN 253/96: Disestablishment of Petty Officer Quality Control Review Board**
- **NAVADMIN 030/99: Navy Vaccination Program**
- **OPNAVINST 5350.4C: Drug/Alcohol Abuse**



Personnel Progression, Performance & Security Department (PERS-48) POC'S

DSN: 882-XXXX

■ ACNP for Personnel Progression, Performance & Security

- (PERS-48): 901-874-3264, p8@persnet.navy.mil
- Director, Personnel Performance & Security Division
- (PERS-483): 901-874-4426, p83@persnet.navy.mil
- Attorney
- (PERS-06L6): 901-874-3160, p06L6@persnet.navy.mil



Enlisted Separations Branch (PERS-4832) POC'S

DSN: 882-XXXX

■ Branch Head

- (PERS-4832): 901-874-4433, p832@persnet.navy.mil

■ Deputy Branch Head

- (PERS-4832B): 901-874-4427, p832B@persnet.navy.mil

■ Enlisted Separations Section Head

- (PERS-4832D): 901-874-4432, p832D@persnet.navy.mil

■ Family Advocacy Matters

- (PERS-483CC): 901-874-3729, p83CC@persnet.navy.mil



Officer Performance and Separations

Branch (PERS-4834) POC's

DSN: 882-XXXX

- **Branch Head**
 - (PERS-4834) 901-874-4424, p834@persnet.navy.mil

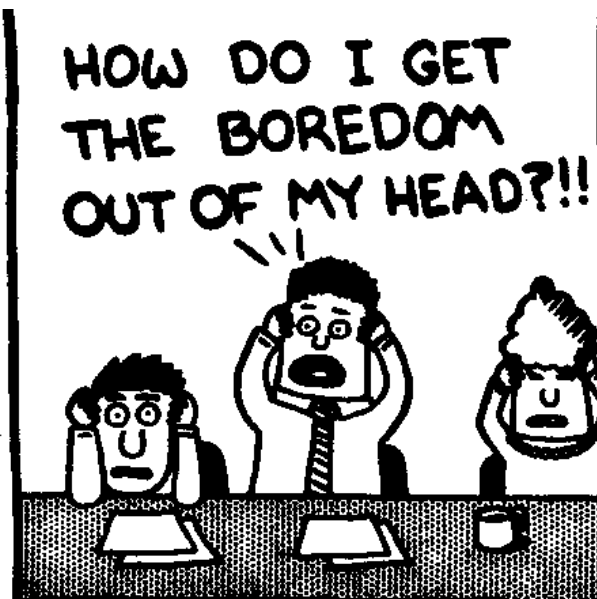
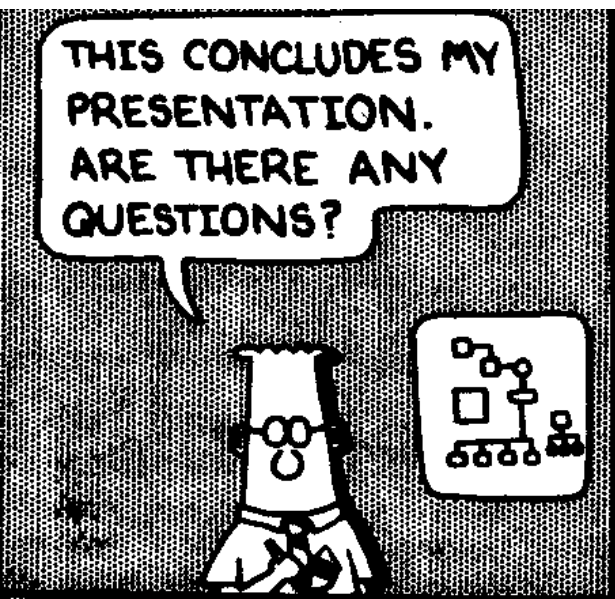
- **Officer Performance Section**
 - (PERS-4834C) 901-874-4418, p834C@persnet.navy.mil

- **Unfavorable Officer Separations Section**
 - (PERS-4834D) 901-874-4420, p834D@persnet.navy.mil

- **Favorable Officer Separations Section**
 - (PERS-4834A) 901-874-3197, p834A@persnet.navy.mil



The End!



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